

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

CHRISTOPHER J. EARL,

Petitioner,

v.

ORDER

Civil File No. 07-156 (MJD/FLN)

JOAN FABIAN, Commissioner,
Minnesota Dept. of Corrections,

Respondent.

Christopher J. Earl, pro se.

Kimberly R. Parker, Office of the Minnesota Attorney General, Counsel for
Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel dated June 5, 2007. Petitioner Christopher J. Earl filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based on that review the Court adopts the Report and Recommendation dated June 5, 2007, with one exception: Any place in the Report and Recommendation that states the date

“November 29, 2005” is replaced with the date “November 30, 2005,” and any place that states “November 29, 2006” is replaced with the date “November 30, 2006.”

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Magistrate Judge’s Report and Recommendation dated June 5, 2007 [Docket No. 12] is hereby **ADOPTED**.
2. Respondent’s Motion to Dismiss [Docket No. 4] is **GRANTED**.
3. Petitioner’s Petition for Writ of Habeas Corpus [Docket No. 1] is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 24, 2007

s / Michael J. Davis
Judge Michael J. Davis
United States District Court